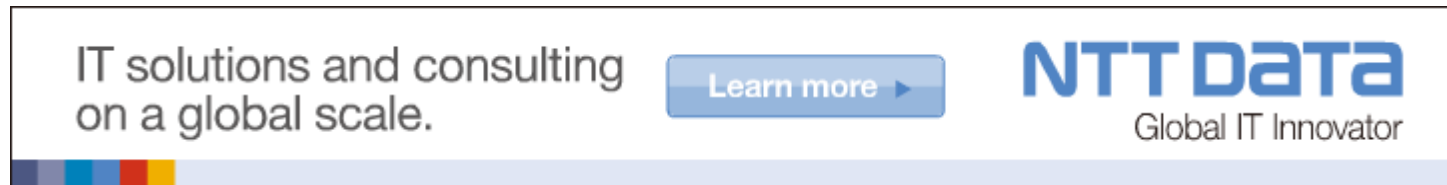# EXHIBIT H

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Oracle Sees A Threat In Rimini Street

Apparently the third-party software maintenance firm known as Rimini Street, which Oracle and SAP have claimed is no threat to their businesses, is indeed a threat. Oracle has filed court documents requesting Rimini Street to produce information about its business, which it says could be a "carbon copy" of TomorrowNow, the company at the center of Oracle's lawsuit against SAP.

By Mary Hayes Weier, InformationWeek
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Apparently the third-party software maintenance firm known as Rimini Street, which Oracle and SAP have claimed is no threat to their businesses, is indeed a threat. Oracle has filed court documents requesting Rimini Street to produce information about its business, which it says could be a "carbon copy" of TomorrowNow, the company at the center of Oracle's lawsuit against SAP.Oracle's active lawsuit against SAP for its shuttered subsidiary TomorrowNow, a provider of low-cost Oracle software maintenance services, alleges that the subsidiary illegally downloaded software and support materials from Oracle's systems. Oracle filed a motion in federal court last month that asks Rimini Street, also a provider of third-party Oracle support, to produce documents related to its business model and allow it to question Rimini CEO Seth Ravin, who was also a founder of TomorrowNow.

According to one published report, Oracle's motion states that if "Rimini is simply a carbon copy of TomorrowNow's original infringing model, then Oracle would still have the customers who defected for Rimini but for the same infringing activity." The motion also suggests that "Rimini is not a legitimate alternative destination" if it replicates TomorrowNow.

Meanwhile, Rimini's senior VP of marketing, David Rowe, tells me that its customer list includes Pepsi Americas, JB Hunt, Fairchild Semiconductor, Virgin Mobile, Ross Stores, and Petco, among many others. These are companies paying Rimini to maintain their Peoplesoft and JD Edwards software instead of Oracle. Rimini also is building up a customer base for maintenance support for SAP. As we know,

software maintenance makes up the biggest portion of Oracle's and SAP's revenues.

Because it's legal stuff, and lawyers are involved, Rowe couldn't talk about the court motion. But he did provide this lawyer-approved statement: "Nothing new here. This is just a discovery dispute in a case involving others. Oracle is simply once again trying to find creative ways to obtain confidential, competitive data about Rimini Street's award-winning support program. Oracle's position is meritless, and we will respond in court at the appropriate time."

As evidenced by the lack of third-party software maintenance providers, I think it's a tough business to grow and won't be a big industry anytime soon. But Rimini seems to have real momentum. My colleague Bob Evans estimates that Rimini is now taking about $200 million in annual fees out of Oracle's pockets. Maybe at one point Oracle and SAP didn't feel threatened by Rimini Street, but I believe that's changed.